

## REMARKS

The Office Action of January 29, 2007, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hanson et al.* (U.S. Patent No. 5,509,915). Applicants respectfully note that claims 17-19 added with the Amendment of October 13, 2006 were not considered by the Examiner. Accordingly, Applicants kindly request initial consideration of claims 17-19 in the next official non-final action. Claim 20 has been newly added herein, as set forth above.

In addition, in reviewing the file of the present application, Applicants note that the First Information Disclosure Statement submitted concurrently with the filing of the application on March 1, 2004, has not been considered by the Examiner. Consideration and acknowledgement thereof is kindly requested in the next official action.

Claim 1 is directed to an absorbent article comprising an absorbent body. A liquid-permeable covering layer is arranged over a first surface on the absorbent body, the liquid-permeable covering layer comprising a nonwoven material with a pore volume distribution curve with a maximum at a pore radius greater than or equal to 50  $\mu\text{m}$  and with a wetting angle of at least 120°. Further, a liquid-permeable liquid-transfer layer is arranged between the absorbent body and the liquid-permeable covering layer, the liquid-transfer layer comprising a fibrous layer with a pore volume distribution curve with a maximum at a pore radius of from 105 to 325  $\mu\text{m}$ .

The primary reference upon which the Examiner relies, Hanson et al., discloses an absorbent article including a backsheet layer 30, a liquid permeable topsheet layer 28, and an absorbent structure 32 interposed therebetween. The absorbent structure 32 further includes a surge management portion, such as surge layer 46, which is located adjacent at least one major, facing surface of topsheet layer 28.

Contrary to the Examiner's interpretation of Hanson et al., Applicants respectfully contend that Hanson et al. does not disclose or suggest any pore volume distribution curve for the topsheet 28 or any preferred contact or wetting angle for the material of the topsheet 28. The Examiner appears to rely upon the information contained in FIG. 13 for support for a liquid-permeable covering layer comprising a nonwoven material with a pore volume distribution curve with a maximum at a pore radius greater than 55  $\mu\text{m}$ , as recited in claim 1. Referring to Example 9, four fabrics suitable for use as surge management materials were constructed and tested for pore size distribution, Col. 36, lines 26-28; Hanson et al. do not disclose or suggest that these same materials would be suitable for the liquid permeable top sheet as the Examiner contends. The pore size distributions for each of the four fabrics were measured and illustrated in the graph of FIG. 13. Col. 37, lines 3-4. Hence, FIG. 13 discloses or suggests properties for the surge management layer, not the topsheet as asserted by the Examiner. Accordingly, since claim 1 recites that it is the liquid-permeable covering layer -- not the liquid transfer layer -- that has a distribution curve with a maximum at a pore radius greater than or equal to 50  $\mu\text{m}$ , Applicants submit that claim 1 is not rendered obvious by the cited reference.

Still further, claim 1 recites that the liquid-permeable covering layer comprises a nonwoven material with a wetting angle of at least 120°. Hanson et al. discloses a topsheet 28 made from a nonwoven, spunbond polypropylene fabric composed of about 2.8-3.2 denier fibers formed into a web having a basis weight of about 22 gsm and a density of about 0.06 gm/cc, and which is treated with a surfactant of about 0.28% Triton X-102, as described at col. 7, lines 39-40. Although Hanson et al. does not disclose any wetting angles with respect to the top sheet 28, the Examiner takes the position that since the present application discloses a spunbond covering layer with the same denier as disclosed by Hanson but with a basis weight of 18 gsm rather than 22 gsm as in Hanson et al., it would be reasonable to conclude that Hanson et al would provide the same contact angle as the claimed liquid permeable covering layer. Applicants respectfully traverse this finding, as the contact angles of each nonwoven are dependent upon the inter-relation of the properties and characteristics thereof and alteration of one characteristic may significantly impact the desired contact angle. In particular, Applicants note that the top sheet of Hanson is treated with a surfactant and one skilled in the art would recognize that the resulting contact angle after such treatment will be less than 90 degrees. By way of further example, Applicants submit that fiber thickness is just one of many attributes contributing to the wetting angle. Other attributes such as pore size and web thickness also have an impact on the wetting angle.

Accordingly, Applicants respectfully submit that there is no suggestion that the topsheet 28 of Hanson et al. having a basis weight of 22 gsm and a denier of 2.8-3.2 would meet the recitations of the claimed liquid-permeable covering layer of claim 1.

Pending claims 16-19 and newly added claim 20 emphasise that the liquid-permeable transfer layer recited in claim 1 is distinct from the absorbent body. That is, it lies immediately adjacent to the absorbent body but is not a part thereof. In contrast, Hanson et al. discloses an absorbent structure which includes a surge layer 46. As such, the surge layer cannot be disposed adjacent the absorbent structure if it is a part of the absorbent structure.

Applicants further submit that the remaining claims are patentable based at least upon their dependence from claim 1.

### CONCLUSION


In view of the above amendments and remarks, Applicants respectfully submit that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicants regarding the same.

Respectfully submitted,

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